

MINUTES
UTAH SOLID AND HAZARDOUS WASTE CONTROL BOARD MEETING

April 8, 2004

Board Members Present: Judy Lever (Chair), Craig Anderson (Vice-Chair), Michael Brehm, Carlton Christensen, William Doucette, John Newman, Dianne Nielson, Lowell Peterson, Scott Widmer.

Staff Members Present: Dennis Downs (Executive Secretary), Brad Johnson (Executive Secretary UST), Scott Anderson, Gary Astin, Ralph Bohn, Rusty Lundberg, Dale Marx, Doug Taylor, David Wilson, Raymond Wixom.

Others Present: Norm Ashton, Mark Anderson, Keller Davis, Joseph Gearo, Jason Groenewold, Gary Harter, Dan Hone, Joe Majestic, Greg Montgomery, Dale Ormond, Rick Rathbun, Scott Reed, Stephen Salas, Dan Shrum, Kris Snow, Brad Sanderson, Romney Stewart, John Tanner, Clint Warby, Marelynn Zipsee.

- I. The meeting was called to order at 1:08 p.m.
- II. It was motioned by John Newman and seconded by William Doucette and unanimously carried that the March 11, 2004, Board Meeting minutes be approved with the following correction: Page 3, 5th Paragraph, 5th Line, sentence should read: "Absent a specific need, Mr. ~~Raymond~~, Wixom....."

III. Underground Storage Tank Update

In the packet that is sent out to board members prior to scheduled board meetings, the UST statistics are normally included. However, the statistics for this month were not integrated into the packet. This was due to a series of miscommunications and double counting in the past in getting the statistics together. This problem has now been identified and has been corrected. An updated and accurate list of the UST statistics was distributed to the various board members. The question was asked as to why the numbers for Enforcement letters sent out in May and June of 2003 were higher than in previous months. This was due to the fact that the Division of Environmental Response and Remediation took initiative to try and get the owners of tanks that have been languishing in the system for a long time into compliance. Therefore, more Enforcement letters were sent out in that particular time frame. The question was also asked that when an order is sent out, is there a remedy that is given to the tank owner on how to get their facility into compliance. The majority of orders that are sent out are to facilities that have a history of non-compliance. The orders give them a specific time frame, usually 90 days, to decide on what they need to do with the site in order for it to be compliant. The Division then works one on one with the owners, as they are the ones responsible for the progress of their facility, to get them into compliance.

IV. Proposed rule changes to R311, UST Rules (Informational Item Only)

The Division of Environmental Response and Remediation has proposed a number of changes to the Underground Storage Tank Rules R311. Because there are numerous changes, the Division wanted to give a brief description of what they are trying to accomplish. A "Proposed Changes to R311, Underground Storage Tank Rules" handout was distributed among the board members. It is anticipated that at the next board meeting, the Division will ask for a board action item in order to get approval to have a public comment period on the changes. It was also stated that if any of the board members had any questions regarding these proposed rule changes, Gary Astin could be contacted at (801) 536-4103

for further assistance. Some of the proposed changes have to deal with grammar. However, the highlights of the proposed changes to the rules are as follows:

1. **R311-200, Definitions.** Add a definition for automatic line leak detector test. Change the definition of UST testing to include automatic line leak detector and cathodic protection testing. Modify the definition of UST Installation to include any operation that is critical to the integrity of the UST system.
2. **R311-201, Certification.** Change the certification requirements to allow for the issuing of tester and installer certifications, which are limited to the type of work a tester or installer performs. Define training requirements for cathodic protection testers. Require that individuals whose certification has been expired for more than two years meet the initial certification requirement to be re-certified. Specify requirements for work to be done by professional engineers and geologists. Lengthen the certification period for UST inspectors from one year to two.
3. **R311-203, Registration Fees and Testing Requirements.** Change the requirements for the \$200.00 per tank installation fee. Add requirements for UST testing-tanks, automatic line leak detectors, containment sumps, and cathodic protection. Clarify requirements regarding payment of UST Registration Fees.
4. **R311-204, UST Closure and Remediation.** Add wording to require submittal of a closure notice for temporary closure of USTs.
5. **R311-205, Site Assessment.** Reduce redundancy in the rule and clarify the requirements for conducting site assessments for UST closures and LUST site investigations. Modify requirements for laboratory analysis of soil/groundwater samples.
6. **R311-206, Financial Assurance.** Remove certain requirements regarding the use of Insurance as a financial assurance mechanism. Clarify the requirements regarding submittal of financial assurance documents. Update fire code references for aboveground storage tanks voluntarily participating in the PST Fund. Remove the requirement that the UST certificate of compliance be displayed on site.
7. **R311-212, PST Loan Fund.** Change wording to allow for a quicker loan review process. Allow for small loans to be made without security. Specify the service charge to be assessed for loan payment checks returned due to insufficient funds.

The question was asked if making a lien on a property in regards to the unsecured small loans under the PST Loan Fund had been considered. It was stated that this option had been discussed in the past, but it was not known if it would be feasible. It was also stated that this topic would be researched more fully and then brought before the board in the next board meeting.

Another question asked was if anyone had a chance to look at this in terms of the regulated communities and whether they would perceive the changes regarding registration fees and/or the certification process as good ones. It was also asked if there were going to be any new fees imposed that had not been imposed previously. It was stated that most would feel pretty neutral towards the changes. It was stated that the rules require a payment of \$200.00 registration fee per tank installation where less than a full installation is performed. Because the PST Fund only covers work done before the certificate of compliance is issued, much work is performed for which the installation company receives no coverage, because the certificate of compliance already issued remains in force during the upgrade. The rule will be changed to specify that the \$200.00 fee be paid only for a full UST installation and for certain work done on a tank that does not have a certificate of compliance. Certified individuals will be required to

be certified as UST testers or installers. All UST testers are already certified. Because of this, the work they are doing will fall under their certification as a tester. This will help give the Division a little bit more say into what is being submitted. In regards to UST installers, the changes are being made as the industry has come to the Division and asked for this change. This was due to the fact that the industry wanted work done by certified individuals, but in order to be certified, it required them to have experience, which they didn't necessarily have the opportunity to receive. Because of this, the industry wanted the Division to issue certificates for the type of work that they do.

It was also asked that by changing the certification process from one year to two years, does that have an impact on the yearly budget. It was stated that this would only affect UST inspectors (who work for DEQ and the Local Health Departments) and would not affect the yearly budget, as no certification fees are required. However, one impact that might be anticipated regarding the station owner/operators is that as the Division clarifies the automatic line leak detectors issue, some people may have to do a test that they have not been required to do in the past. Because of this, this might be a topic that receives a lot of public comment.

Another question asked was that if the Division went to an unsecured loan, what would the recourse be if the property is sold, and how would the Division be notified. It was stated that on the times that this situation has occurred, the owner has paid off the loan when they sold their facility. As far as notification is concerned, there is a requirement that if a facility with USTs changes ownership, the new owner is required within thirty days, to notify the Division of the change.

Another questions asked was if the Division had their legal counsel, Sandra Allen, review these proposed changes. The question was answered in the affirmative.

V. Dugway Proving Ground Command Overview - Colonel Gary Harter

Utilizing a Power Point presentation, Colonel Harter, Dugway Proving Grounds, gave an overview of Dugway Proving Grounds. (A copy of this presentation is attached.) Colonel Harter extended an invitation to the Board Members to tour Dugway. It was noted that Dugway has a Special Programs Division that provides training for first responders. Information on the training can be obtained from Dr. Mike Glass at (435) 831-3088. Funding for this training may be available through the Office of Domestic Preparedness.

Concerns regarding the Base Realignment and Closure (BRAC) process were briefly discussed. Colonel Harter stated there is always concern regarding BRAC at Dugway. However, because of the Chem-Bio facility and the workload increase of 175% within the last five years, Colonel Harter does not anticipate a negative impact at Dugway.

VI. Issues relating to construction and demolition debris landfill rules

At their last meeting, Board members expressed an interest in the siting criteria that applies to Class IV and VI landfills. These landfills are allowed to take only a very limited set of waste streams, as outlined in the packet information provided to the Board.

Ralph Bohn briefly explained the siting criteria for these classes of landfills. Ralph Bohn clarified that Class VI landfills are commercial landfills and Class IV landfills are private or municipal landfills (non-commercial). Currently, there are no Class IVa landfills permitted in Utah. Class IVb and Class VI landfills can accept dead animals, and require daily cover. Most landfills will set aside or isolate a separate area for dead animals and only provide daily cover in that specific area.

Carlton Christensen noted that waste is increasing, and asked if applications for commercial landfills are increasing. Ralph Bohn stated that two applications for new commercial landfills have been received in the last few years, compared to previous years where no applications were received. Ralph Bohn also stated that, due to financial feasibility, the construction demolition debris landfill applications are increasing.

Carlton Christensen inquired if any thought has gone into siting issues and/or siting criteria regarding the closure of facilities and the reuse of the land. Ralph Bohn stated that by statute, the Division does not have any control over land reuse after a landfill is closed. The Division only has control of the maintenance (monitoring system) and final cover of the landfill. In general, the Division deals with issues of land reuse during the closure process of a landfill, not during the application process. The Division makes suggestions of possible land reuse and primarily focuses on capping issues, particularly if construction will be taking place. In the application process, information does need to be provided on the design of the closure of the landfill and the monitoring that will be performed after closure. Landfills are required to be monitored for 30 years post-closure care or until a landfill is stabilized.

Judy Lever asked how the existing permitting process addresses land reuse. Ralph Bohn stated that Division staff discuss with the applicant the rules related to the siting criteria; but not local issues of zoning.

Judy Lever asked if there was a permit requirement that new facilities comply with local zoning laws. Ralph Bohn stated that local zoning laws are independent of the Division's rules. Rusty Lundberg clarified that the Division's primary role is to ensure that the permit is protective of human health and the environment. However, to ensure local zoning laws are followed, in some of the permits, language is added to require compliance with local zoning laws before waste can be accepted.

Judy Lever asked if applications for landfills include a bond or "some type" of funding assurance for landfill closures. Ralph Bohn stated that the rules require a closure and post-closure care monitoring plan. The application must include a closure design with associated costs. The closure design and cost estimates must be based on third party costs. Division staff reviews the post-closure design to verify all costs are valid. Also included in the application is an estimation of the cost for post-closure monitoring of the landfill. New landfills do not require a bond, but the applicant is required to provide some type of funding mechanism for landfill closure and post-closure.

William Doucette asked if material recovery or recycling is currently occurring at permitted landfills. Ralph Bohn stated that the main recycling efforts are occurring when the material comes in to the site, as many facilities do separate out the waste. Salt Lake County has a transfer station with a recycling line that takes Class C and Class D waste and recycles as much waste as possible. However, once material is placed in the landfill, not much more recycling occurs.

It was clarified that compliance with local zoning laws is not required to be demonstrated prior to issuance of a permit.

Norm Ashton, Ogden City Attorney, and Mark Anderson, Local Water Improvement District, made general comments and recommendations on the permit process with respect to Class IV and Class VI landfills. Local land use zoning is a current issue for a proposed Class VI landfill in Weber County. Mr. Ashton stated that a permit should not be issued until the applicant has obtained local zoning approval. The concern was expressed that permits are being used by the permittees to imply that local issues should be minimized. The Division was encouraged to consider a requirement that local zoning and land use approval must be obtained by an applicant before the Executive Secretary considers issuing a permit.

Mark Anderson stated that he agreed with Mr. Ashton's comments. He commented that the Local Water Improvement District has a concern due to groundwater issues. Mr. Anderson stated that his city engineers have stated that these types of landfills pose potential dangers as soon as five years. Mr. Anderson again suggested that local zoning approvals be obtained before a permit is issued.

Greg Montgomery, City Planner of Ogden, repeated the comments and suggestions expressed by Mr. Ashton and Mr. Anderson. Mr. Montgomery also stated that Ogden City has worked with other state agencies regarding land use with a team approach, where no approval was given one way or another until all parties are in agreement.

Judy Lever asked how long it takes for a non-hazardous solid waste landfill permit application to be approved. Ralph Bohn stated that it takes approximately six months for approval of a typical landfill permit application.

Judy Lever asked Mr. Montgomery how long it takes for local approval of a landfill permit if there were no required changes in the zoning laws. Mr. Montgomery stated that it takes approximately two to three months for approvals with no changes in zoning laws and approximately six months if changes in zoning laws are required.

Judy Lever asked Mr. Montgomery if there were rules in place that required the two approval processes to run concurrently. Mr. Montgomery stated there were no such rules in place.

Dianne Nielson asked Mr. Ashton if his concerns were limited to Class VI landfills. Mr. Ashton affirmed that his concerns were limited to Class VI landfills.

Judy Lever requested Mr. Ashton to clarify whether his comments and suggestions constituted a formal request for rulemaking. Mr. Ashton indicated that a written request would be forthcoming. Judy Lever reminded the Board that a petition for rulemaking had been previously filed and subsequently withdrawn. This was the Board's reason for the presentation on siting criteria from the staff.

Mr. Anderson stated that he was hopeful the Board might undertake rulemaking on its own, but he would submit a petition if necessary.

William Doucette stated that he views this more as a perception issue than anything else. William Doucette noted that even though the permit is granted, the facility is required to receive local zoning approval before waste can be accepted. He also suggested that, contrary to the earlier statement that somehow the local zoning group making the decisions is influenced unfairly by the fact that permit is granted, some communities may want to know if the environmental concerns have been addressed before they proceed. Therefore, there may be some advantages in having the permit approved by the State of Utah first.

Mr. Ashton countered that the State of Utah might grant a permit for a site that has not even been identified. Staff disagreed with this statement. Site locations are identified long before an application is even submitted.

Judy Lever stated that her understanding of what Mr. Ashton meant is that the permittee uses the permit as leverage in the discussion with the local zoning authority. William Doucette agreed that a permit may be used in that fashion but that such an approach was not appropriate and the issue was still a matter of perception.

Carlton Christensen asked if there would ever be an instance where the State of Utah's permit would override local land use regulations. Dennis Downs responded that a landfill permit does not override any local laws or ordinances. A permit does not give a permittee any legal basis to go forward with the construction or operation of a landfill if he otherwise needs local zoning approval.

Carlton Christensen asked if there has ever been a discussion with the League of Cities and Towns or other groups regarding zoning and future land use or redevelopment issues.

Dennis Downs indicated that those types of discussions have taken place in the past. Local governments are much more conscious of this issue today than they were 10 or 20 years ago. What the Division is dealing with is the siting of new landfills, especially the larger municipal landfills that are becoming distant facilities, i.e., out of the way, so the same kind of land reuse problems don't exist as stated earlier. More discussion on this issue could be initiated with local officials.

Craig Anderson moved that the Board form a subcommittee to review the issues that have been raised.

Dianne Nielson questioned whether the Board has the statutory authority to require a permitting sequence. The statute requires, for commercial landfills, approval at the local level, a permit issued by the Executive Secretary, and legislative and gubernatorial approval. The question is whether the statute authorizes the Board to sequence those requirements.

Rick Rathbun stated that if the Board followed proper rulemaking procedures, it could establish conditions upon which a permit could be issued.

Judy Lever suggested that if the Board wanted to require the permit applicant to seek concurrent approval, it could do so.

Dianne Nielson clarified that her question was not regarding filing documents, but whether the Board has the authority to withhold approval of a permit pending local zoning approval or the authority to sequence reviews such that the Division couldn't review a permit or grant approval until there had been approval at the local level.

Rick Rathbun stated that if the Board wanted to set the conditions upon which the permit should be issued for this class of landfill, the Board has the authority to do so.

Dianne Nielson requested additional review of the Board's authority to set in rule a requirement that there be local approval before the State of Utah permit can be granted. She stated that this is an important issue, which has some very broad applications to a variety of DEQ permits.

Rusty Lundberg reminded the Board that that this sequence of approval relates only to commercial facilities, which is that before a facility receives gubernatorial and legislative approval it must have approval of the Executive Secretary. These approvals are independent of and in addition to local approvals. This sequence is required by statute.

Dennis Downs quoted directly from the statute: "No person may construct any facility listed under Subsection (3)(c)(ii) until he receives, in addition to local government approval and subsequent to the approval required in Subsection 3a, approval by the governor and Legislature." [19-6-108 (3)(c)(i)]

Dennis Downs emphasized that the approval by the governor and the Legislature is subsequent to the Executive Secretary approval, but independent of and in addition to local government approval. The statute does not require or sequence the local approvals. Dennis Downs also informed the Board that a

bill was presented during the last legislative session to require local approval before a permit could be issued but the bill did not pass. Dennis Downs also stated that the staff does not have a position one way or the other on this particular issue and agreed that legal counsel needs to review this issue. Dennis Downs further explained that one reason the rules are written as they presently are is that there are a variety of communities in the state, especially in the rural areas, that want the environmental review and approval process to go forward and be completed first because they do not have the environmental consultants or staffing to do a full environmental impact review for their town/county. These local officials rely on the Division staff to review and address environmental issues for their use in making land use decisions.

Judy Lever asked if Craig Anderson's motion for a subcommittee to review the issue included representatives from legal staff, local government, and rural communities that may have different opinions.

Craig Anderson renewed his motion and stated that it is important for the Board to understand these issues, not necessarily to take a position on them, but to understand the concerns that have been raised and balance those concerns.

Judy Lever clarified that while a Subcommittee could conduct its own independent review, other parties could file a petition for agency action, specifically requesting proposed rulemaking.

Rick Rathbun agreed that the Board, on its own, could look at this issue, either as a whole or a Subcommittee or other parties could bring a petition for rulemaking to the Board. Rick Rathbun also emphasized that the local zoning authorities have their own independent rules and the Board is not dependent on their decisions and they are not dependent on the Board's decisions.

John Newman stated that until this was brought to the Board's attention, the Board did not see this as an issue. For this issue to be properly characterized, John Newman suggested that the Board wait until an official request is made for rulemaking so that the Board could react to a characterization of a problem as the public views it rather than initiate a change.

Carlton Christensen clarified that the subcommittee would merely be looking into this issue, not starting any process, and seconded Craig Anderson's motion.

Mike Brehm felt that the Board could be proactive and look into this issue. Mike Brehm concurred with William Doucette regarding the way this issue may be perceived. He stated one remedy could be adding a very direct statement in the permit to clarify that the permit does not represent any endorsement of land use acceptability, etc. so that the permittee could not "sell" the permit for more than what it actually is.

Mike Brehm also noted that the staff's focus is health, safety, and the environment. He felt there is another topic of discussion that could be grouped under "nuisance" that often rises to even greater levels of interest from part of the community that is being impacted by a proposed facility. Since the rules do have to apply to the entire state, Mike Brehm felt that an evaluation of the permitting process might provide some clarification, and help the process run more smoothly.

The motion by Craig Anderson and seconded by Carlton Christensen unanimously carried that the Board form a subcommittee to evaluate the issues and concerns that have been discussed, but not propose rulemaking at this time. The subcommittee will consist of legal staff, appropriate Division staff, Cullen Battle, Carlton Christensen, Craig Anderson, Dianne Nielson, Mike Brehm, and Judy Lever. All subcommittee meetings will be open to the public.

VII. Variance Rules Proposal

Raymond Wixom, Attorney General's Office, discussed revised language for the Board's consideration. The following reference errors will be corrected: Pg. 3, Paragraph 8, should read: "(8) Nothing in sub-Paragraphs ~~(f)~~ (6) or ~~(g)~~ (7) of this rule limits the authority..."

John Newman asked if the sentence, "Variances will be granted by the Board only to the extent allowed under Federal law" includes Federal regulations as well. Raymond Wixom indicated that it does and the language refers to both statute and regulations.

John Newman suggested the following:

1. The 3rd sentence on Page 1, section (b) should be changed. The sentence starts with the word "no". Preferable language could read: "A variance would not be granted except there is an application" or "A variance will not be considered until an application has been filed."
2. Page 1, section (f) reads: "A person requesting a variance shall submit the request." The sentence should read "... submit the application."
3. On Page 1, section (c) the second sentence reads: "No renewal shall be granted except on application for "it." What is "it" referring to? Preferable language in Paragraph (b) and (c) could read: "A variance shall only be considered when an application has been filed" or "A renewal for a variance shall only be considered after an application has been received."
4. In paragraph (f) the word "request" should be changed to "application."

John Newman also stated that in some places in the document, it states that the Board will not consider a request or application until certain things have been filed, and yet in other places it states it won't be granted until it is filed. He requested that the language be uniform.

John Newman noted that on Page 2, R315-317-02 - Variances, the same language appears again. He recommended that the wording be changed from "granting time" to "starting the consideration time" in section (2) and (3), and changing the word "request" to "application."

Rick Rathbun stated that the Board should generally leave itself the broad discretion over variance requests so as not to tie the Board's hands. John Newman stated that he is not in favor of these changes because he does believe it will tie the Board's hands. However, the majority of the Board feels clarification is needed, and therefore John Newman would like the rules to be clear.

Raymond Wixom pointed out that some of the language is statutory language.

Judy Lever read a brief statement from Cullen Battle conveying his support for the proposed rule changes for variances. Raymond Wixom was also acknowledged for all his efforts in dealing with this issue.

Dianne Nielson asked if the proposed rule changes would in any way limit the Division from requesting that the Board consider a variance or limit the Board's ability to decide to consider a variance to a rule. Dianne Nielson felt that the proposal may be fringing on emergency rulemaking. The Board clearly does have the ability to do emergency rulemaking and then proceed to change a rule, and that may in effect be the same thing as a variance, although the justification may be different.

Raymond Wixom stated that he also has been concerned with the issues stated by Dianne Nielson. He felt that R315-2-13, paragraphs (f) and (h) addressed the concerns.

Dianne Nielson asked if the proposed rule would have any impact on the Executive Secretary's ability to manage disposal of explosives or other activities that arise on emergency basis. Dennis Downs stated that he did not believe this would impact his ability to handle emergency situations. Raymond Wixom agreed that this proposed rule would not impact Executive Secretary's ability because emergency permits are issued for emergency situations, not variances.

Dianne Nielson asked if there would be any benefit to clarify the rule, by adding a sentence that specifically states: "This does not preclude the granting of an emergency permit as determined necessary by the Executive Secretary." Raymond Wixom stated that emergency permits deal with specific circumstances, but if the Board prefers, language could be added that states "nothing in this variance rule has any impact on emergency permits". Raymond Wixom also suggested modifying paragraph (f) to state that the requirements for a variance do not apply to either R315-9-2 (Emergency Cleanups) or R315-15-9 (Used oil cleanups).

It was moved by William Doucette and seconded by Dianne Nielson that Raymond Wixom draft additional proposed language as suggested by the Board to address the concerns and submit the proposal to the subcommittee. It was also moved by John Newman and seconded by William Doucette that this issue be tabled until the proposed language has been re-worked. Motion carried unanimously.

VIII. Chemical Demilitarization – TOCDF Update (John Waldrup)

Over the last two weeks, TOCDF has been conducting the VX Agent Trial Burn in its metal parts furnace. The Division is awaiting results.

It is anticipated that in the May Board meeting a Stipulation and Consent Order for Dugway will be brought before the Board for the product manager for non-stockpile operations to operate the explosive construction system (EDS). This is a trailer-mounted system used to treat chemical rounds in a closed environment.

IX. Other Business

Due to prior commitments, Jason Groenewold had to leave the Board meeting and requested that two memos be handed out in his absence. He also requested that he be allowed to draft an email with some thoughts and concerns regarding the memos for the Board's consideration. The handouts distributed to the Board were: (1) Letter from the Department of the Army, signed by Dale Ormond, Contracting Officer's Technical Representative, regarding: Letter of Concern: Declining Performance in Disciplined Operations, dated March 15, 2004, and (2) Response to Letter of Concern signed by Stephen L. Frankiewicz, General Manager, EG&G, dated March 22, 2004.

Dale Ormond commented that in his role of government oversight of the contract for running the facility, he has written a letter to the contractor that documents his observation of the contractor's performance. Mr. Ormond stated that this letter deals with an internal issue but is not confidential. EG&G has responded to Mr. Ormond's letter. Mr. Ormond stated that he does not feel the plant is unsafe, if he thought it was unsafe, the plant would be shut down. Mr. Ormond also submitted a letter to the editor regarding this issue, as he is not trying to hide anything.

Mike Brehm applauded Mr. Ormond for the manner in which he handled this situation. Mike Brehm felt that this is what the public should expect to happen.

Judy Lever asked if the Board would prefer to have Mr. Groenewold generate an email stating his concerns with the letters or put the issue on the agenda when he can be present.

John Newman stated that an email would be satisfactory. The email should be given to Division staff and they can forward it to the Board. Dianne Nielson agreed that this is the right approach. Dianne Nielson stated that this is an important issue not only for management at the Army and EG&G, but also for the employees to recognize that this is one of the processes used to address issues when a contractor's performance is not meeting expectations. It is important that there is now follow-up and a subsequent letter to show how these concerns are being addressed.

Dennis Downs will forward to Board members the Letter to the Editor. Raymond Wixom clarified that Mr. Groenewold will send his email to the Executive Secretary and the Executive Secretary will forward it to the Board Members. All documents received today are informational documents. Should the Board be asked to make decisions or consider these documents, the Board would need to make record of the fact that it is referring to the documents so they could be made exhibits or part of the record. Dianne Nielson clarified that under GRAMA any document that is submitted for the benefit for the Board is considered as such in the Division's file.

The June Board Meeting logistics were discussed. The June Board Meeting is scheduled for June 10, 2004 at 1:30 pm in Price, Utah. The Board will leave SLC on June 9, 2004 around 2:00 p.m. to travel to Green River. A presentation regarding the Solitude Landfill Site will be made that evening at 8:30 p.m. at the John Wesley Powell Museum. Board members will stay the night of June 9, 2004 in Green River. Board Members will need to make their own hotel accommodations in Green River. The following morning (June 10, 2004) at approximately 8:00 a.m., the Board will view the Solitude Landfill Site where the landfill will be constructed. After viewing the Solitude Landfill Site, the Board will travel to the East Carbon Development Corporation (ECDC) Landfill for a tour. The tour of ECDC is anticipated to take place at 10:30 a.m., lunch will be provided to all Board members following the tour. After the tour of ECDC, at approximately 12:30 p.m., Board Members will travel to Price, Utah. The Board Meeting will be held at 1:30 p.m. in Price, Utah. David Cunningham has arranged for the meeting to be held in his conference room at the Southeastern Utah District Health Department, located at 28 South 100 East, Price, Utah. After the Board Meeting, Board members will travel back to SLC. Information regarding hotels, etc. will be provided at the next meeting. Transportation needs can be provided as needed. Board members will be reimbursed according to the State Travel Per Diem rates for this travel. Dress is casual.

The meeting adjourned at 3:55 p.m.